



Dan & Sara Rametta
Richard Sommerville
Citizens For Sanity.Com, Inc.
Save Our Serenova
& The Commenters Group
19840 State Road 54
Lutz, Fl. 33558
813-949-4628
ramettadan@hotmail.com

11/24/2018

Permit Application Number SAJ-2011-00551 (IP-TEH)

Formerly: SAJ-1998-2682 (IP-MN); Ridge Road Extension (RRE)

Colonel Andrew D. Kelly
Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Shawn Zinszer,
Chief, Regulatory Division
Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Dear Colonel Kelly, Regulatory Chief Zinszer,

PLEASE PUT THIS COMMENT # 24 INTO THE ADMINISTRATIVE RECORD.

INTRODUCTION

THE MAIN PURPOSE OF THIS COMMENT # 24 IS TO ALERT THE FEDERAL JUDICIARY, SHOULD THIS APPLICATION SOMEHOW RECEIVE AN APPROVAL, THAT THE ACOE HAS FOR TWO DECADES IGNORED THE CEQ'S ALLOWANCE IN CFR 1501.8(b) FOR REQUESTS FROM THE PUBLIC FOR TIME LIMITS TO THE NEPA PROCESS.

IN NUMEROUS COMMENTS OVER THE PAST ALMOST 21 YEARS, WE HAVE REQUESTED THAT TIME LIMITS BE SET FOR A FINAL DECISION ON THIS RIDGE ROAD EXTENSION (RRE) APPLICATION. ALL TO NO AVAIL. 40 CFR 1501.8(c) ALLOWS FOR THE PUBLIC TO REQUEST TIME LIMITS FOR THE NEPA PROCESS. THIS COMMENT WILL SERVE AS A CHRONICAL OF THOSE REQUESTS FOR TIME LIMITS, AND OF THE CONTINUAL DELAY ON THE PART OF THE APPLICANT PASCO COUNTY.

EXECUTIVE SUMMARY

THERE ARE 7 PARTS AND A CONCLUSION TO THIS COMMENT # 24.

1--40 CFR 1501.8(b) EXPLICITLY STATES THAT "MEMBERS OF THE PUBLIC MAY REQUEST FEDERAL AGENCIES TO SET TIME LIMITS."

2--IN A FEBRUARY 2012 ACOE MEDIA NEWS RELEASE, THE CORPS STATED THAT THEY "...RECOGNIZED THE LENGTHY PERIOD OF TIME THIS PROJECT HAS BEEN UNDER CONSIDERATION."

3--IN FEBRUARY 2013 COLONEL DONALD JACKSON JR., COMMANDER OF THE ACOE'S SOUTH ATLANTIC DIVISION, RESPONDED TO U.S. REPRESENTATIVE CONGRESSMAN BILIRAKIS REGARDING HIS CONCERNS ABOUT DELAYS IN THE PROCESSING OF THE RRE APPLICATION. COLONEL JACKSON STATED, BACK 5 YEARS AGO, THAT "I RECOGNIZE THE HIGH DEGREE OF PUBLIC INTEREST IN THIS PROJECT AND THE LENGTHY PERIOD OF TIME THAT IT HAS BEEN UNDER CONSIDERATION."

4--FOUR YEARS LATER, IN JULY 2017, THE COMMANDER OF THE JACKSONVILLE DISTRICT REGULATORY FIELD OFFICE COLONEL JASON KIRK, SAID IN A STRATEGIC ENGAGEMENT EVENT REPORT (SEER) THAT

HE WAS "...LOOKING FORWARD TO PERMIT DECISION POINT W/IN NEXT 12 MONTHS." 13.5 MONTHS AFTER COLONEL KIRK MADE THAT STATEMENT HE RETIRED AND HANDED THE REE APPLICATION OVER TO COLONEL ANDREW KELLY. IT HAS NOW, AS OF NOVEMBER 2018, BEEN 16.5 MONTHS SINCE COLONEL KIRK, IN THAT SEER REPORT, STATED THAT HE ANTICIPATED A FINAL DECISION IN 12 MONTHS.

5--ON JANUARY 6, 2012 WE MADE A FORMAL REQUEST OF THE THEN TAMPA FIELD OFFICE PROJECT MANAGER TRACY HURST FOR TIME LIMITS, TO NO AVAIL.

6--IN AN APRIL 2007 EMAIL, THE THEN ACOE PROJECT MANAGER MIKE NOWICKI RESEARCHED THE ADMINISTRATIVE RECORD TO ASCERTAIN HOW MUCH DELAY HAD OCCURRED IN THE APPLICATION REVIEW UP TO THAT POINT, HOW MUCH OF THAT DELAY COULD BE ASCRIBED TO THE ACOE AND HOW MUCH TO PASCO COUNTY. HE CONCLUDED THAT THE TOTAL AMOUNT OF DELAY IN THE RRE APPLICATION REVIEW HAD BEEN 124 MONTHS. SEVEN OF THOSE MONTHS WERE DUE TO PROCESSING BY THE ACOE, AND 117 MONTHS WERE DUE TO DELAYS BY PASCO COUNTY. HE CONCLUDED BY EXCLAIMING "WOW" AFTER STATING THAT A TOTAL OF 9.75 YEARS OF DELAY WAS ATTRIBUTED TO PASCO COUNTY. AND TO THIS DAY IN NOVEMBER 2018, 11 YEARS LATER, THE DELAY CONTINUES AND THE ACOE STILL ACCEPTS THAT SITUATION. THEIR APPARENT INABILITY TO MAKE A FINAL DECISION, UP OR DOWN, HAS BECOME AN AGENCY EMBARRASSMENT.

7--INCLUDED IN THIS COMMENT # 24 IS A SAMPLING OF THOSE RECURRENT DELAYS IN RESPONDING TO REQUESTS TO RAI'S SENT TO PASCO BY THE ACOE. THEY INCLUDE REFERENCES TO THOSE DELAYS BY THE ACOE IN OCT 2003, APRIL 2004, MAY 2004, AUGUST 2006 AND APRIL 2007.

CONCLUSION--AND YET, AFTER OVER TWO DECADES, THERE IS STILL NO INDICATION THAT THE ACOE IS ON THE BRINK OF ANY KIND OF FINAL DECISION, AS THEY CONTINUE TO APPARENTLY SHOW FAVORITISM TO THE APPLICANT BY ACCEPTING INTERMINABLE DELAYS IN RESPONSES TO RAI'S, AS WELL AS NEVER ENDING "PARTIAL RESPONSES," FROM THE APPLICANT. IT WOULD BE APPARENT TO EVEN A CASUAL OBSERVER THAT THE ACOE WAS TRYING TO "MAKE IT WORK" FOR THE APPLICANT. THAT BELIES THE "OBJECTIVITY" THE ACOE IS REQUIRED TO EXHIBIT, AS PER THEIR OWN GUIDELINES.

PART 1--40 CFR 1501.8(b) EXPLICITLY STATES THAT "MEMBERS OF THE PUBLIC MAY REQUEST FEDERAL AGENCIES TO SET TIME LIMITS."

[HYPERLINK "<http://ceq.hss.doe.gov/Nepa/regs/ceq/1501.htm#1501.8>"]

TABLE OF CONTENTS

PART 1501 - NEPA AND AGENCY PLANNING

Sec.

- 1501.1 Purpose.
- 1501.2 Apply NEPA early in the process.
- 1501.3 When to prepare an environmental assessment.

- 1501.4 Whether to prepare an environmental impact statement.
- 1501.5 Lead agencies.
- 1501.6 Cooperating agencies.
- 1501.7 Scoping.
- 1501.8 Time limits.

§1501.8 Time limits.

Although the Council has decided that prescribed universal time limits for the entire NEPA process are too inflexible, **Federal agencies are encouraged to set time limits appropriate to individual actions** (consistent with the time intervals required by § 1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) **The agency shall set time limits if an applicant for the proposed action requests them:** Provided, that the limits are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) State or local agencies or members of the public may request a Federal Agency to set time limits.

PART 2--IN A FEBRUARY 2012 ACOE MEDIA NEWS RELEASE, THE CORPS STATED THAT THEY "...RECOGNIZED THE LENGTHY PERIOD OF TIME THIS PROJECT HAS BEEN UNDER CONSIDERATION."

[[HYPERLINK "http://www.saj.usace.army.mil/Media/News-Releases/Article/479719/public-notice-for-proposed-ridge-road-extension-results-in-valuable-public-input/"](http://www.saj.usace.army.mil/Media/News-Releases/Article/479719/public-notice-for-proposed-ridge-road-extension-results-in-valuable-public-input/)]

[[HYPERLINK "http://www.saj.usace.army.mil/Media/News-Releases/Article/479719/public-notice-for-proposed-ridge-road-extension-results-in-valuable-public-input/"](http://www.saj.usace.army.mil/Media/News-Releases/Article/479719/public-notice-for-proposed-ridge-road-extension-results-in-valuable-public-input/)]

Posted 2/8/2012

Release no. 12-011

Contact

Nancy J. Sticht
904-232-1667
nancy.j.sticht@usace.army.mil

JACKSONVILLE, Fla. (**Feb. 8, 2012**) – The U.S. Army Corps of Engineers, Jacksonville District (Corps) published a public notice for the proposed Ridge Road extension project (Permit Application No. SAJ-2011-00551 (IP-TEH)), Nov. 28, 2011.

Permit applicants Pasco County and the Florida Department of Transportation (FDOT) propose to extend the existing Ridge Road approximately eight miles east of its current terminus at Decubellis/Moon Lake Road, to U.S. Highway 41. The proposed project also includes a 4-ramp interchange at its intersection with Suncoast Parkway. Since the proposed work includes impacts to water bodies that are under the

jurisdiction of the Corps, the applicants are required by the Clean Water Act to obtain a Department of the Army permit.

In response to the public notice, the Corps received more than 1,600 comments from interested parties including concerned individuals, business owners, non-governmental organizations and local, state, and federal government agencies. The comments received reflect opinions both in support and in opposition to the project. The Corps must now review and consider the comments in its public interest review, a careful weighing of the expected project benefits and detriments. A permit cannot be granted if the Corps determines the project is contrary to the public interest.

The conclusion of the public notice comment period does not mark the end of the Corps' review process. The comments received assist the Corps in completing its public interest review. However, the Corps is concurrently evaluating the proposed project to determine whether the applicants have selected the least environmentally damaging practicable alternative, a requirement for a favorable permit decision.

The Corps is in the process of consulting with appropriate state and federal resource agencies. As proposed, the U.S. Environmental Protection Agency recommends denial of the project, stating that it may have substantial and unacceptable adverse impacts on an Aquatic Resources of National Importance. The U.S. Fish and Wildlife Service has requested that the applicants complete additional wildlife surveys to determine potential impacts on protected species.

The Corps is actively engaged with the applicants on a number of issues involved in the application review. The applicants are aware that by this spring, the Corps will provide a formal and comprehensive list of all outstanding information needed to complete the permit review.

The Corps recognizes the high degree of public interest in this project and the lengthy period of time this project has been under consideration. The Corps is committed to reaching a decision that fully complies with the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act.

PART 3--IN FEBRUARY 2013 COLONEL DONALD JACKSON JR., COMMANDER OF THE ACOE'S SOUTH ATLANTIC DIVISION, RESPONDED TO U.S. REPRESENTATIVE BILIRAKIS REGARDING HIS CONCERNS ABOUT DELAYS IN THE PROCESSING OF THE RRE APPLICATION. COLONEL JACKSON STATED, BACK 5 YEARS AGO, THAT "I RECOGNIZE THE HIGH DEGREE OF PUBLIC INTEREST IN THIS PROJECT AND THE LENGTHY PERIOD OF TIME THAT IT HAS BEEN UNDER CONSIDERATION."



DEPARTMENT OF THE ARMY

U.S. ARMY CORPS OF ENGINEERS

SOUTH ATLANTIC DIVISION,

ROOM 10M15, 50 FORT-TH ST, S.W.

ATLANTA, GEORGIA 30303.8801

KEPLTTO
ATTENTION OF-

February 13, 2013

Executive Office
Honorable Gus M. Bilirakis Florida House of
Representatives 407 Cannon House Office
Building Washington, DC 20515

Dear Mr, Bilirakis:

Thank you for your January 28, 2013, letter regarding assistance with a proposal by Pasco County and the Florida Department of Transportation to construct a project known as "Ridge Road Extension" in Pasco County, Florida (file no. SAJ-2011-00551). **I recognize the high degree of public interest in this project and the lengthy period of time that it has been under consideration.** The US Army Corps of Engineers (Corps) is committed to reaching a decision that fully complies with the Clean Water Act, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act.

The Corps first published a public notice for this project in 2000. The Ridge Road Extension as proposed in 2000 was met with opposition from several agencies. The US Fish and Wildlife Service (USFWS) said the project would result in substantial and unacceptable adverse impacts to Aquatic Resources of National Importance (ARNI) and did not represent the least environmentally damaging practicable alternative and elevated their objections under the Clean Water Act Section 404(q) in August of 2000. The Corps issued several letters requesting additional information and met with the applicants numerous times in an attempt to resolve these outstanding issues. In November 2010, the application was withdrawn, in accordance with 33 C.F.R. § 325.2(d)(5), after the applicants failed to provide the information requested within the timeframe required.

The Corps published a public notice on November 28, 2011, based on a new, updated application submitted by the applicants in May 2011, and a revised mitigation plan submitted in November 2011. The new proposal garnered over 1,600 public comments in support or opposition from interested parties including concerned individuals, business owners, non-governmental organizations, local, state, and federal government agencies. **The US Environmental Protection Agency (USEPA) elevated their objections under the Clean Water Act Section 404(q) and recommended denial of the project as proposed, stating that it will have substantial and unacceptable adverse impacts to ARNI.** The USFWS requested that the applicants complete additional/ updated wildlife surveys to determine potential impacts on protected species. The

surveys required to address the USFWS concerns have not yet been completed. The State Historic Preservation Officer and the Seminole Tribe of Florida recommended that the applicants complete cultural resource surveys on project areas that have not been surveyed previously and that the applicants demonstrate avoidance and minimization. The Corps has advised the applicants of specific cultural resource survey requirements and requested information regarding the avoidance and minimization of a potentially eligible site. The applicants have not provided this information.

In a July 23, 2012 letter to the applicant, the Corps requested additional information needed to complete the alternatives analysis from the applicants. At the applicants' request, the Corps met with them several times to discuss the required information listed in this letter. **Despite the additional coordination, the applicants have not fully responded to the Corps request. In an effort to bring this matter to a timely decision, the Corps** clarified the required information that is still outstanding in a January 14, 2013 letter to the applicants and **requested that the required information be provided no later than February 13, 2013.** The Corps advised the applicants, per 33 C.F.R. § 325.2(d)(5), that if they do not respond with the requested information or provide a justification why additional time is necessary, then the application will be considered withdrawn or a final decision will be made based upon available information, whichever is appropriate.

The public notice and other pertinent documents can be found on the Corps website at

[HYPERLINK "<http://www.saj.usace.army.mil/Missions/Regulatory/Items-of-Interest/>"]_ under the "Ridge Road Extension" header.

I trust this information will permit you to respond to your constituent. Thank you for your interest in the Corps Regulatory program. If you need additional information, please feel free to contact me or have a member of your staff contact Mr. Michael Montone, my Regulatory Program Manager at (404) 562-5136 ore-mail at michael.g.montone@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael G. Montone', with a long horizontal line extending to the right.

PART 4--FOUR YEARS LATER, IN JULY 2017, THE COMMANDER OF THE JACKSONVILLE DISTRICT REGULATORY FIELD OFFICE, COLONEL JASON KIRK, SAID IN A STRATEGIC ENGAGEMENT EVENT REPORT (SEER) THAT HE WAS "...LOOKING FORWARD TO PERMIT DECISION POINT W/IN NEXT 12 MONTHS." 13.5 MONTHS AFTER COLONEL KIRK MADE THAT STATEMENT HE RETIRED AND HANDED THE REE APPLICATION OVER TO COLONEL ANDREW KELLY. IT HAS NOW, AS OF NOVEMBER 2018, BEEN 16.5 MONTHS SINCE COLONEL KIRK IN THE BELOW SEER REPORT STATED THAT HE ANTICIPATED A FINAL DECISION IN 12 MONTHS.

| U.S. ARMY CORPS OF ENGINEERS, SOUTH ATLANTIC DIVISION, JACKSONVILLE DISTRICT | | |
|--|------------------------------|----------------------------|
| STRATEGIC ENGAGEMENT EVENT REPORT | | |
| See: "Knowledge Management Pilot Program: Business Rules for Prioritizing Key Leader Engagement Information" | | |
| SAJ Lead: <input checked="" type="checkbox"/> Commander <input checked="" type="checkbox"/> Deputy Commander <input checked="" type="checkbox"/> Deputy Commander, South Florida <input checked="" type="checkbox"/> Deputy, Project Management <input checked="" type="checkbox"/> Other | | |
| Director Strategic Customer, Partner or Stakeholder: Pasco County - Administrator Dan Biles | | |
| Event Description: TELCON | Date: 12 July 2017 | Location: TELCON |
| Other SAJ Participants: | | |
| Purpose: Inform Administrator Biles that Corps is reaffirming requirement for an EIS to fully consider the Saltwater Access Public Boat Ramp & Access Channel | | |
| Summary: <p>With background: from County Administrator job in Alabama - before that served as an Air Force engineer, 8 yrs active duty, 18 years Washington National Guard; visited for EIS/EA R&D in September in 05-08 (RIDGE); EIS R&D</p> <p>Ridge Road Extension - Visits now reached a LEOP and look forward to processing the complete permit-understand Corps Birkle and County's interest in the Fortunate Extension R&D</p> <p>Business - Proposed shared dredging for deepwater access. As per our communication by 6/29/16 letter, an EIS is necessary for further consideration of this project. County acknowledged and we thought "in agreement" with this path forward with recent call and letter from Congressman Bilirakis and Florida's meeting on 6A issue and "sensitive meeting" - County will need to do an EIS - not intended to an additional Commander meeting at this time.</p> <p>PAGE - Tell Administrator Biles that we're coming close to a determination of the feasibility of carrying out the CAP final study. And indicating we that the scope may exceed CAP boundaries - I assured him we would follow with details and even if we "cease" the CAP effort, the County will receive deliverables helpful to their follow-up efforts.</p> | | |
| Action Items (Key issues, concerns, requests): RIDGE ROAD: looking forward to permit decision point within next 12 months. SUNWEST: we're in an "agree-to-disagree" status but County will reconsider the feasibility of proceeding with EIS. No commitment on an additional meeting; CDR also briefed Congressman Bilirakis on the same issue 10 JUL 17 [he understood and said "Ridge Road extension" is my priority]. PAGE: I assured Administrator Biles we would follow with details and even if we "cease" the CAP effort, the County will receive deliverables helpful to their follow-up efforts. | | |
| Lessons Learned: Reinforced value of PHONECALLS prior to "bad news letters." | | |

Form EIS-001-01-001

PART 5--ON JANUARY 6, 2012 WE MADE A FORMAL REQUEST OF THE THEN TAMPA FIELD OFFICE PROJECT MANAGER TRACY HURST FOR TIME LIMITS, TO NO AVAIL.

Dan & Sara Rametta
Richard Sommerville
Citizens For Sanity.Com, Inc.
& The Commenters Group
19840 State Road 54
Lutz, Fl. 33558
813-949-4628
[[HYPERLINK](mailto:ramettadan@hotmail.com)]

"mailto:ramettadan@hotmail.com"]

01/26/2012

Permit Application Number SAJ-2011-00551 (IP-TEH)

Formerly: SAJ-1998-2682 (IP-MN); Ridge Road Extension (RRE)

Ms. Tracy Hurst, ACOE,

Please put this in the Administrative Record.

Most of our past comments submitted under the old SAJ #, as well as comments already submitted since the May 31, 2011 date when the applicant turned in the revised application to the ACOE, are still valid. This 01/2012 comment will be added to those comments, where applicable.

Section 3: Formal request for “Time Limits” allowed for RAI responses to the ACOE from the applicant.

The ACOE also has a responsibility to preserve the integrity of the public commenting process. To expect the public to comment to a public notice that is flawed, and that requires one or more RAI's from the ACOE to the applicant for corrections and clarifications, and therefore necessitates a comment response from the public...to allow such a situation to continue year after year, makes a mockery of the public commenting requirement of NEPA and the CWA.

Exhibit # 75 is from the ACOE's regulations, Part 325.2 - Processing of applications, Section (d), Timing of processing of applications. It states:

(5) **The applicant will be given a reasonable time, not to exceed 30 days, to respond to requests of the district engineer.** The district engineer may make such requests by certified letter and clearly inform the applicant that if he does not respond with the requested information or a justification why additional time is necessary, then his application will be considered withdrawn or a final decision will be made, whichever is appropriate. If additional time is requested, the district engineer will either grant the time, make a final decision, or consider the application as withdrawn.

(6) The time requirements in these regulations are in terms of calendar days rather than in terms of working days.

In PART 1501--NEPA AND AGENCY PLANNING, Section 1501.8 Time limits, it states:

(b) The agency may:

1) Consider the following factors in determining time limits:

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(c) State or local agencies **or members of the public** may request a Federal Agency to set time limits.

(d)

Both federal regulations cited above allow for the ACOE to set reasonable time limits and also allow for the public to formally request that such time limits be set and enforced. We fully expect the Tampa Office to honor the following request for those time limits:

The Formal Request

We, as commenters to the RRE application, have taken the time to read, try to make sense of, and comment to the latest resubmitted RRE application. We anticipate that it is complete and accurate in its current form, and that we have commented to the last application that will be submitted for this project. After almost 14 years, we can reasonably expect that the applicant has had ample time to submit a correct, finalized and reviewable application. Should that final application be found to be severely deficient in providing the required information, and/or be found to be erroneous or misleading, then, given the almost 14-year time period the applicant has had to submit a correct application, **we hereby request that either the application in its current finalized form be reviewed as is, with no further opportunity for clarification via RAI's given to the applicant, or, failing that, that the applicant be given "drop dead" time limits of 30 – 60 days for providing any required information, with no exceptions granted. The "delay game" by the applicant must end somewhere.**

We also request that, should the ACOE require any further clarifications or corrections, that the applicant be notified by certified mail of the requirement that the 30-60-

day time limit will not, under any circumstances, be extended. This comes from the ACOE's regulations.

We, the public who are commenting, deserve no less. We expect some kind of finality to this seemingly never ending review process, one that has the distinction of being, as verified by the Wash. DC ACOE Office, the longest outstanding, unresolved and undecided CWA 404 application ever considered in the history of the ACOE.

Should the above request not be honored by the ACOE's Tampa Office, we reserve the right, in the spirit of full disclosure, and in line with a "no surprises" approach, to plead our case to a higher ACOE authority, either at the South Atlantic Division in Atlanta, or to ACOE Headquarters in Washington D.C.

PART 6--IN AN APRIL 2007 EMAIL, THE THEN ACOE PROJECT MANAGER MIKE NOWICKI RESEARCHED THE ADMINISTRATIVE RECORD TO ASCERTAIN HOW MUCH DELAY HAD OCCURRED IN THE APPLICATION REVIEW UP TO THAT POINT, HOW MUCH OF THAT DELAY COULD BE ASCRIBED TO THE ACOE, AND HOW MUCH TO PASCO COUNTY. HE CONCLUDED THAT THE TOTAL AMOUNT OF DELAY IN THE RRE APPLICATION REVIEW HAD BEEN 124 MONTHS. SEVEN OF THOSE MONTHS WERE DUE TO PROCESSING BY THE ACOE, AND 117 MONTHS WERE DUE TO DELAYS BY PASCO COUNTY. HE CONCLUDED BY EXCLAIMING "WOW" AFTER STATING THAT A TOTAL OF 9.75 YEARS OF DELAY WAS ATTRIBUTED TO PASCO COUNTY. AND TO THIS DAY IN NOVEMBER 2018, 11 YEARS LATER, THE DELAY CONTINUES AND THE ACOE STILL ACCEPTS THAT SITUATION. THEIR APPARENT INABILITY TO MAKE A FINAL DECISION, UP OR DOWN, HAS BECOME AN AGENCY EMBARRASSMENT.

> Subject: RE: A few questions (UNCLASSIFIED)
> Date: Fri, 13 Apr 2007 11:47:44 -0400
> From: Michael.F.Nowicki@saj02.usace.army.mil
> To: ramettadan@hotmail.com
>
> Classification: UNCLASSIFIED
> Caveats: NONE
>
> Dan:
>
> I think I'll respond while all of this is fresh in my mind.
>
> The FWS 3a and 3b letters have already been written in 2000, that's why, when
> I send the revisions to the FWS, I will ask them to review the revisions,
> provide revised comments, and either confirm their continued desire to
> elevate or to remove objections. If they provide essentially negative
> comments and confirm their year 2000 3-b letter, then I would write the 3-c
> letter if the decision is to issue the permit after review of all the data.
> If I sent a 3-c letter to the FWS, the usual response is to maintain their
> objections but advise they would not elevate. We would then be clear to
> issue. If the decision is to deny, then, of course, the 3-c letter becomes

- > moot. I hope this clarifies the MOU procedure. The 3-a and 3-b letters are
- > already done in 2000, FWS has only to confirm the letters still apply.
- >
- > **Getting to the point of either an issuance or denial will be very laborious**
- > **because of the dearth of information all over my office.** My estimates in my
- > last e-mail were best case scenarios based on me not working on other
- > projects like maybe SunWest. So the timeframes could be a lot longer than I
- > estimated.
- >
- > One benefit of withdrawing that might make sense actually goes to the fact I would trash most of
- > the stuff (I would save the old public notice) I have now. Any resubmittal would go out on public
- > notice again and that public notice would generate hopefully more concise responses and, **again**
- > **hopefully, the county would realize that it is not very prudent to just go away for 3 years**
- > **like they did with me.** They would also realize that responses to public notice comments would need
- > to be provided in a more timely manner than in the original application. As I
- > remember, public notice comments were sent to the county in April 2000 (or
- > very close to that date) and they did not respond to these comments until
- > October 2001 or **17 months later.**
- >
- > You know, I think I will detail the delays.
- >
- > 1. 1994 or 1995: First heard of the RRE at a Suncoast Partnering Meeting.
- > 2. Early 1998: Applicant submitted application. **Delay: 3 years**
- > 3. Application complete in Feb 2000 and public notice published: Delay 2
- > years.
- > 4. April 2000, public notice comments sent to the applicant but response not
- > received until October 2001. **Delay approx 1.5 years.**
- > 5. Meeting held in Jax in Feb 2002 to determine what was still needed to
- > address avoidance and minimization. Corps delay 3 months
- > 6. No response, except one lone e-mail from Steve Godley in the summer of
- > 2004, until April 2005. **Delay 3 years.**
- > 7. April 2005 response deemed incomplete. Survey for scrub jays also
- > needed.
- > 8. July 2005: Scrub jay survey submitted and formal consultation requested
- > from the FWS. BO in April (I think) of 2006. FWS delay of maybe 3 months
- > since FWS asked Mr. Godley for more info.
- > 9. Second set of revisions January 25, 2007. Corps review delay about a
- > month but **submittal has lots of mistakes etc. Incomplete.**
- >
- > 10. Meeting in the District office sometime in Feb 2007 with Michele Baker,
- > and BRA reps to discuss discrepancies (don't remember the exact date but I
- > remember taking 2 weeks to review so the meeting must have been in mid-Feb).
- > To date no further revisions have been submitted. **Delay about 60 days**
- >
- > So delay would roughly be:
- > 1 to 2: 3 years = 36 months
- > 3. 2 years = 24 months
- > 4. 1.5 years = 18 months
- > 5. Corps delay = -3 months
- > 6. 3 years = 36 months
- > 7. April 2006 to Jan 2007 = 8 months less about 3 months FWS delay

- > 8. Jan 2007 to mid Feb 2007 for meeting Corps delay 1 month for review
- > 9. Feb 2007 to April 2007 delay about 1.5 months
- >
- > **Total monthly delay would be approximately 124 months less fed delay of about**
- > **7 months. Estimated applicant delay at 117 months or 9.75 years. WOW.**
- >
- > Mike
- >
- > Classification: UNCLASSIFIED
- > Caveats: NONE

PART 7--INCLUDED IN THIS COMMENT # 24 IS A SAMPLING OF THOSE RECURRENT DELAYS IN RESPONDING TO ACOE RAI REQUESTS SENT TO PASCO COUNTY. THEY INCLUDE REFERENCES TO THOSE DELAYS BY PASCO COUNTY IN OCT 2003, APRIL 2004, MAY 2004, AUGUST 2006 AND APRIL 2007.

BELOW IN 2003 MIKE NOWICKI STATED THAT PASCO COUNTY HAD TAKEN 1 YEAR AND 8 MONTHS TO RESPOND TO HIM, AND THE INFORMATION THEY SENT WAS, IN HIS WORDS: "HALF BAKED." HE ALSO SAID: "I'VE SEEN MOLASSES GET DOWN A TREE QUICKER."



Access World News

Paper: St. Petersburg Times
Title: Officials stew as plans for road stall
Date: October 9, 2003

Just when Pasco County thought it was almost safe to start building the Ridge Road extension comes word that the federal government isn't sold on the highway that would link Land O'Lakes and New Port Richey.

County Administrator John Gallagher complained that the Army Corps of Engineers, whose permit is key for construction to begin, is laying hurdles in the county's path.

Frustration is felt more keenly because the Southwest Florida Water Management District, the other agency overseeing the extension project, gave the county a long-awaited permit earlier this year.

"It seems like the Army Corps keeps questioning the need," Gallagher told county commissioners at a meeting Tuesday. "At some point, we may need legislative help with this thing."

Despite the possibility that the county may ask for congressional help - Republicans Ginny Brown-Walke and Mike Ellinsakla represent most of Pasco in the House of Representatives - the corps insists that the road approval remains locked in limbo.

Mike Nowicki, the corps official in charge of the project, said the county has been lax in providing proof that the benefits of extending Ridge Road would justify destroying 50 acres of wetlands.

The 8 1/2-mile highway would run east-west and connect Moon Lake Road, the Suncoast Parkway and U.S. 41. Pasco envisions the \$26-million extension as a hurricane evacuation route that would also ease traffic on increasingly crowded parts of State Roads 62 and 54.

For neighborhoods such as River Ridge in New Port Richey and the soon-to-be-built Connerton development in Land O'Lakes, the highway would be a lifeline to the Suncoast Parkway.

Nowicki said the county hasn't submitted documents for Ridge Road since February 2002. And much of that information was, in Nowicki's opinion, "half-baked."

"If they want to throw stones at the corps for being obstructionist, I'm sorry, they're the ones who haven't responded since February 2002," Nowicki said Wednesday. "I've seen molasses get down a tree quicker."

BELOW, 6 MONTHS LATER, PASCO'S ATTORNEY AT THAT TIME FOR THE RRE JACOB VARN, QUOTED MIKE NOWICKI ON PAGE 4 OF A MEMO STATING THAT "IN FACT, THE PERMIT APPLICATION WAS NOT SUBMITTED FOR ALMOST 3 YEARS (1998) AND WAS NOT READY FOR A PUBLIC NOTICE FOR TWO MORE YEARS (April 2000)."



Memorandum

FOWLER WHITE
BOGGS BANKER

TO: John Gallagher Greg Riski
Bipin Parikh Steve Godley
Doug Uden Tim Neldner
Elizabeth Blair Tom Montgomery

FROM: Jacob D. Varn *Jake*

DATE: April 22, 2004

RE: Copies of Engineers
Permit SAJ-1998-2682 (IP-MN)
Ridge Road Extension

Attached is a copy of Mike Nowicki's latest response, dated April 6, 2004. Since receiving the email, I have discussed Mike's response with him, so I believe that I have a good feel as to what he wants. I want everyone to review each of Mike's comments/responses and provide me with any suggested responses or comments. In some cases, I shall identify persons to address particular issues. Set out below are Mike's comments/questions/requests/clarifications followed by my responses and comments.

20040422 10:40 FAX 920 986 1201

PHONE 919 986 1201

9/11/04

Memo to Mike Nowicki
Page Four
April 22, 2004

4. Contrary to what I read, the partnering proceed DID NOT pose no objection to the Ridge Road extension. Pasco County presented a few color aerials and talked about the interchange agreement with the FDOT. Pasco County was in no way ready to go through permitting. In fact, the permit application was not submitted for almost 3 years (1998) and was not ready for a public notice for two more years (April 2000). The FDOT could not wait on Pasco County to include the extension in the FDOT Suncoast Project. The partnering members decided that Ridge Road extension has separate utility meaning and it would be reviewed separately when Pasco County had enough information to apply for a permit.

Response: This is the response on which I need the most assistance. I was not involved in any of the partnering meetings, but I have a different perspective

ONE MONTH LATER, ACOE'S JACKSONVILLE DISTRICT COMMANDER COLONEL CARPENTER SENT A LETTER TO THEN U.S. SENATOR BOB GRAHAM STATING THAT: "TO DATE, THE COUNTY HAS SUPPLIED ONLY PART OF THE INFORMATION."

THAT EXACT SAME CONDITION IS HAPPENING NOW IN 2018, 14 YEARS LATER. THE LATEST MAY 11, 2017 RAI FROM THE ACOE IS STILL UNANSWERED AND THE COUNTY HAS SUPPLIED ONLY "...PART OF THE INFORMATION" REQUESTED.

WILL THIS NEVER END?



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
West Permits Section
199802682 (IP-MN)

MAY 3

2004

Gen. Info

Honorable Bob Graham
United States Senator
Attention: Ms. Pat Grise
2252 Killearn Center Boulevard, Suite 300
Tallahassee, Florida 32308

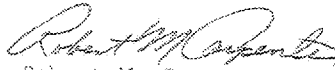
Dear Senator Graham:

This is in response to your April 27, 2004, letter enclosing correspondence from concerning the proposed Ridge Road Extension (RRX) in Pasco County, Florida. Please be assured that the issues raised by will be thoroughly and carefully reviewed prior to any final decision being made.

The U.S. Army Corps of Engineers (Corps) has been evaluating a permit application from Pasco County (County) for the RRX since 1998 under Corps permit application number 199802682 (IP-MN). A public notice was circulated on February 2, 2000, and the County responded to comments received in response to the public notice in October 2001. Based on our review of the response from the County, additional information has been requested. To date, the County has supplied only part of the information. Upon receipt of the requested information, the Corps will continue the review process including coordination with the FWS and the EPA. Any decision on my part to either issue or deny the County's permit application cannot be made until I have all the information previously requested.

If you have any additional questions or feel that you need more information, please do not hesitate to call me or have your staff contact, Mr. Joseph R. Burns, Congressional Liaison, at 904-232-2243.

Sincerely,


Robert M. Carpenter
Colonel, U.S. Army
District Engineer

2237

ALMOST 3 WEEKS LATER, U.S. REPRESENTATIVE GINNY BROWN-WAITE TELLS PASCO COMMISSIONER PETER ALTMAN NOT TO BLAME THE DELAYS THAT HE HAD COMPLAINED ABOUT ON THE ARMY CORPS. SHE MENTIONED THE COUNTY'S 2-YEAR LACK OF RESPONSE AND SAYS: "WHEN ONE LOOKS AT THE CHRONOLOGY, IT BECOMES CLEAR THE DELAY WAS NOT BECAUSE OF THE ACOE."

GINNY BROWN-WAITE
5TH DISTRICT, FLORIDA
COMMITTEE ON THE BUDGET
COMMITTEE ON
FINANCIAL SERVICES
COMMITTEE ON
VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515

May 20, 2004

1516 LONGWORTH
WASHINGTON
20515

20 NORTH MA
BROOKLYN
10002
10003

28008 MARY
DROG C
10002
10003

RECEIVED
MAY 25 2004

Commissioner Peter Altman
Pasco County Commission
7530 Little Road
New Port Richey, FL 34654

Dear Commissioner Altman:

Attached is the response from the Army Corps of Engineers (ACOE) with the time line of activities concerning the Ridge Road extension project.



I have concerns about the frequency of contact between the county's staff and attorney and the ACOE. As you can see, there was a two year lapse of response on the county's part in addressing the concerns.


We have scheduled a meeting on May 28th at the Brooksville Courthouse with the ACOE to discuss another project. My staff suggested that Greg Riski, Pasco County Engineering staff, attend that meeting to discuss the Ridge Road extension since all parties are going to be present. Mr. Riski's response was that he scheduled a meeting in Jacksonville on June 9 to meet with the ACOE and the county's consultant, Jake Varn.

I ask why go to Jacksonville when the county staff could travel a few miles to my office? Apparently, the county's lobbyist is only available on June 9. What is wrong with this picture? I am sure you are paying Mr. Varn a handsome amount of taxpayer money for his services.



When one looks at the chronology, it becomes clear the delay was not because of the ACOE. I will be following up on the outcome of the June 9th meeting and have encouraged the ACOE to be understanding and cooperative.

Sincerely,


Ginny Brown-Waite
Member of Congress

A LITTLE OVER 2 YEARS LATER IN AN 08/2006 EMAIL FROM ATTORNEY JAKE VARN, MIKE NOWICKI IS QUOTED TELLING PASCO'S THEN RRE PROJECT MANAGER MICHELE BAKER THAT "THE DATA WAS ORIGINALLY REQUESTED IN FEB 2002 AND I HAVE HAD IT ABOUT 2 WEEKS."

Michele Baker

From: Varn, Jake [jvarn@fowlerwhite.com]
Sent: Thursday, August 10, 2006 7:49 AM
To: Michael.F.Nowicki@saj02.usace.army.mil; Michele Baker
Cc: Varn, Jake
Subject: Re: Ridge Road Extension, DA permit application SAJ-1998-2682(IP-MN)

Mike- We have information on transportation issues. Michele has an email dealing with that subject. We are waiting on BRA for the monitoring and mitigation issues. Rather than send two emails, I told Michele to wait on BRA information.

I'm traveling today, but I'll call you Friday. Please keep reviewing our application. Jake

----- Original Message -----

From: Nowicki, Michael F SAJ <Michael.F.Nowicki@saj02.usace.army.mil>
To: mbaker@pascocountyfl.net <mbaker@pascocountyfl.net>
Cc: Varn, Jake
Sent: Thu Aug 10 07:08:44 2006
Subject: Ridge Road Extension, DA permit application SAJ-1998-2682(IP-MN)

Michele:

I received the following article and I need to know the status of the Ridge Road Extension since I am the COE project manager. I am currently reviewing the information sent me pursuant to minimizing and mitigating wetland impacts associated with both phases of this project. This data was originally requested in Feb 2002 and I have had it about 2 weeks. I have a large work load and I need to know if I should continue to review the submittal or should I table the project for a later date. My latest information indicates the county does not have ROW for Phase II nor does the county have the ROW for the eastern half of the proposed interchange since the FDOT only has ROW on the west side of the interchange location.

Mike Nowicki
904-232-2171

THAT MEANS IT TOOK PASCO 4 ½ YEARS TO PROVIDE THE DATA MIKE NOWICKI HAD REQUESTED.

IT CANNOT GET ANYMORE RIDICULOUS. AND THE ACOE IS STILL, IN NOVEMBER OF 2018, WAITING FOR A COMPLETE REPLY TO THEIR MAY 11, 2017 RAI. THIS IS YET ANOTHER DELAY OF NOW 16 MONTHS. IT IS HARD NOT TO SEE THIS AS "FAVORITISM" ON THE PART OF THE ACOE.

ADDENDUM

THE QUESTION COULD BE ASKED AS TO JUST WHY THE APPLICANT HAS FOUND IT NECESSARY TO DELAY FOR SO MANY YEARS. PART OF THE ANSWER LIES IN THE MINDSET OF THE APPLICANT REGARDING THE REQUIREMENTS OF FEDERAL LAW AND THE POSSIBILITY THAT THEY COULD BE GRANTED "EXCEPTIONS" TO COMPLIANCE WITH THOSE LAWS.

AS AN EXAMPLE OF THAT MINDSET, AN EXAMINATION OF THE VOLUMINOUS ADMINISTRATIVE RECORD WILL SHOW THAT IT CONTAINS 9 SEPARATE REFERENCES TO INSTANCES WHERE THE APPLICANT HAS TOLD THE ACOE THAT THEY WOULD PROVIDE THE REQUIRED INFORMATION, SUCH

AS UPDATED LISTED SPECIES SURVEYS AND WETLAND SURVEYS FOR IMPACTS, AFTER THE PERMIT HAD BEEN GRANTED. IN JUST THE FIRST 10 YEARS OF THIS APPLICATION, THERE WERE 9 SPECIFIC DATES WHERE THE APPLICANT STATED THEY WOULD RESPOND AFTER A PERMIT HAD BEEN GRANTED. THEY WERE: 08/24/06, 05/16/08, 09/14/08, 02/03/09, 04/01/09, 06/05/09, 12/09, 01/04/10 AND 07/19/10. THERE ARE ALSO OTHER, MORE RECENT, DATES WHEN THE APPLICANT HAS STATED THAT THEY WOULD EITHER COMPLY WITH THE ACOE'S RAI REQUESTS AFTER A PERMIT HAD BEEN GRANTED BUT BEFORE ACTUAL CONSTRUCTION, OR ELSE SATISFACTORY RESPONSES TO THOSE RAI REQUESTS WOULD BE PROVIDED "BY OTHERS" AT SOME FUTURE DATE, IF AND WHEN PHASE 2 WAS EVER CONSTRUCTED.

CONCLUSION--AND YET, AFTER ALL OF THE ABOVE DELAYS AND LACK OF RESPONSES TO ACOE RAI'S OVER TWO DECADES, THERE IS STILL NO INDICATION THAT THE ACOE IS ON THE BRINK OF ANY KIND OF FINAL DECISION. THEY CONTINUE TO APPARENTLY SHOW FAVORITISM TO THE APPLICANT BY ACCEPTING INTERMINABLE DELAYS IN RESPONSES TO CURRENT RAI'S, AS WELL AS NEVER ENDING "PARTIAL RESPONSES." IT WOULD BE APPARENT TO EVEN A CASUAL OBSERVER THAT THE ACOE WAS TRYING TO "MAKE IT WORK" FOR THE APPLICANT. THAT BELIES THE "OBJECTIVITY" THE ACOE IS REQUIRED TO EXHIBIT, AS PER THEIR OWN GUIDELINES.

NOTE TO THE FEDERAL JUDICIARY: WE ARE ONCE AGAIN FORMALLY REQUESTING, IN THIS COMMENT # 24, THAT THE ACOE IMPOSE TIME LIMITS FOR A FINAL DECISION WITH REGARD TO THIS APPLICATION. IT IS LIKELY THAT, AS IN THE PAST, OUR NEPA-ALLOWED REQUEST WILL BE IGNORED. THE FEDERAL JUDICIARY NEEDS TO BE AWARE OF THIS RECURRENT SITUATION.

RESPECTFULLY SUBMITTED,

Dan & Sara Rametta
Richard Sommerville
Save Our Serenova
Citizens For Sanity.Com,Inc.
& The Commenters Group

cc: Brigadier General Diana M Holland, Commander, South Atlantic Division
Clif Payne, Chief, Special Projects and Enforcement Branch
Shayne Hayes, Project Manager
Joshua R. Holmes, Principal Assistant District Counsel for Regulatory
Christina Storz, Assistant District Counsel
Cynthia F. Van Der Wiele, Ph.D, USEPA, Region 4
Tony Daly-Crews, USFWS